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Remarks/ArgumentsA. Status of Claims

Claim 1 has been amended herein. New claims 18-20 have been added. Claims 9-17 have been withdrawn from consideration. As a result, claims 1-8 and 18-20 are currently pending and under examination in the present application.

B. Restriction Requirement

Applicants hereby affirm the provisional election to prosecute the invention of Group I, claims 1-8.

C. Claim Rejections under 35 U.S.C. Section 112

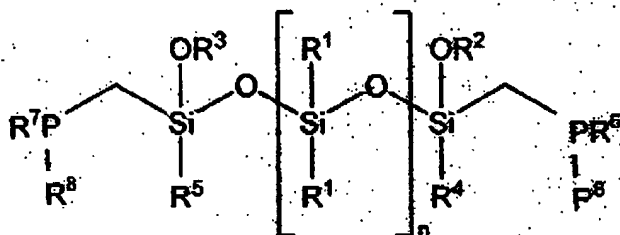
Applicants traverse the rejection of claims 1-8 under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully request the Examiner to reconsider and withdraw the rejection based on the claim amendments and the following remarks.

Claims 1, 5 and 6 have been rejected by the Examiner on the basis that "the group PR<sup>8</sup> has open valences." Applicants do not understand the basis of this rejection, since a worker of ordinary skill in the art would readily recognize that the group PR<sup>8</sup> in fact does not have open valences. Phosphorus has the electron configuration [Ne] 3s<sup>2</sup> 3p<sup>3</sup>, which is similar to that of nitrogen (both are in the same main group of elements). The element phosphorus accordingly has five electrons in its outer shell and can be trivalent or pentavalent. In the context of the present invention (i.e., formula (I) in Claim 1), the

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phosphorus in group  $PR^8$  is trivalent (i.e., is chemically bound to three other atoms). One of these three atoms is provided by the  $R^8$  group. Another of the three atoms is provided by the  $R^6$  or  $R^7$  group (depending upon whether the  $PR^8$  group is substituted for X or Y in formula (I)). The third of the three atoms is provided by the carbon of the methylene ( $CH_2$ ) group which is attached to  $PR^8$ . Where X and Y both are  $PR^8$ , for example, formula (I) is as follows:



Thus, it is clearly evident that the group  $PR^8$  does not have any open valences.

The Examiner has further stated that in claim 1 it is not clear as to what "and salts of organic acids, inorganic acids or quaternization products thereof" refers to. Although Applicants do not agree with this statement, claim 1 has been amended herein for the purposes of further clarifying the scope of claim 1 and advancing prosecution of the present application. Support for this amendment is found on page 9, lines 13-21, of the specification and in claim 8 as filed.

#### D. Rejection of Claims 1-7 Under 35 U.S.C. Section 103(a)

Applicants traverse the rejection of claims 1-7 under 35 U.S.C. Section 103(a) as being unpatentable over Lien (U.S. Pat. No. 4,528,081). Reconsideration and withdrawal of the rejection are respectfully requested in view of the following remarks serving to distinguish

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Applicants' invention over the cited reference.

The Examiner has pointed out that the Lien reference discloses an alpha-silyl terminated polydiorganosiloxane of formula (1) wherein  $R^5$  in the formula (1) is alkylene. The Examiner has further noted that, according to the reference,  $R^5$  can preferably be as low as 3 carbon atoms. The Examiner therefore concludes that the Lien reference discloses a homolog of the  $\alpha$ -silyl terminated polydiorganosiloxane set forth in Applicants' claim 1.

Applicants first wish to point out that the polydiorganosiloxane of the Lien reference is not an adjacent homolog of any  $\alpha$ -silyl terminated polydiorganosiloxane claimed in Applicants' claim 1. In fact, the polydiorganosiloxane of the Lien reference must differ from Applicants' claimed polydiorganosiloxane by at least four methylene ( $CH_2$ ) groups. Each of the two  $R^5$  groups in the Lien polydiorganosiloxane must contain at least three carbon atoms. However, in Applicants' polydiorganosiloxane, only one carbon atom ( $CH_2$ ) separates the Si atom from the X or Y group at each end of the polymer chain. When considering each polymer molecule as a whole, the Lien polydiorganosiloxane must therefore have at least four more carbon atoms than Applicants' polydiorganosiloxane. Applicants therefore respectfully submit that the two polymers are not so close in chemical structure so as to raise a presumption that Applicants' polydiorganosiloxane would have been obvious to a worker of ordinary skill in the art from the disclosure of the Lien reference. In fact, such a worker would have been discouraged from modifying the structure of the Lien polydiorganosiloxane so as to reduce the chain length of the alkylene group between the Si atom and the functional group at each end of the polymer chain from 3 carbon atoms to just 1 carbon atom, in view of the express teaching of the Lien reference that each alkylene group should contain at least 3 carbon atoms. In other words, the Lien reference provides no motivation whatsoever to a worker of ordinary skill in the art to alter the polydiorganosiloxane of the reference in this manner. Such worker would not have had a reasonable expectation that such significant structural modification would lead to a useful

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result.

As described in more detail in the specification of the above-referenced application, Applicants have surprisingly discovered that  $\alpha$ -silyl terminated polydialkylsiloxanes in accordance with formula (I) of claim 1 are useful as components of sealant compositions providing numerous advantageous properties and characteristics. See, in particular, page 3, lines 7-16, and the working examples of the present application.

Respectfully submitted,



Stephen D. Harper

(Reg. No. 33,243)

Attorney for Applicants

610-278-4927

Henkel Corporation  
Patent Law Department  
2200 Renaissance Boulevard, Suite 200  
Gulph Mills, PA 19406

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